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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MEGHAN OPBROEK, an individual,

Case No. 3:22-CV-00610-JR

Plaintiff,

v.

CITY OF PORTLAND, a municipal corporation, **ZACHARY DOMKA**, in his individual capacity, **BRENT TAYLOR**, in his individual capacity, **MARK DUARTE**, in his individual capacity, and **ERIK KAMMERER**, in his individual capacity,

Defendants.

**DEFENDANT MARK DUARTE'S ANSWER
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Defendant Mark Duarte (“Duarte”) answers Plaintiff’s First Amended Complaint as follows:

1.

In response to paragraph 1, Duarte admits that on June 25, 2020, a protest occurred at or around the Portland Police Bureau’s North Precinct and that Plaintiff was in that same area on that date. The remaining allegations are denied.

2.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraph 2, and therefor denies them.

3.

In response to paragraph 3, Duarte admits that at the times material hereto, he was employed by the City of Portland as a police officer. Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraph 3, and therefor denies them.

4.

Duarte admits paragraph 4.

5.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraphs 5, 6, 7 and 8, and therefor denies them.

6.

In response to paragraph 9, Duarte admits that during the summer of 2020, protests occurred in locations close to the Justice Center, and the PPB North Precinct.

7.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraphs 10, 11 and 12, and therefore denies them.

8.

In response to paragraph 13, Duarte denies that Opbroek witnessed PPB officers firing flashbang grenades and other impact munitions directly into the crowd of people, shoving people to the ground, or firing impact munitions into people lying on the ground.

Duarte is without sufficient knowledge or information to form a belief in the truth of the remaining allegations of paragraph 13, and therefor denies them.

9.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraphs 14, 15 and 16, and therefor denies them.

10.

In response to paragraph 17, Duarte denies the allegation that he fired a weapon at Plaintiff. Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of the remaining allegations of paragraph 17, and therefor denies them.

11.

Duarte denies paragraphs 18, 19, 20 and 21.

12.

In response to paragraph 22, Duarte admits that he received training regarding the use of equipment that was or could be used in the course of his work for PPB. The remaining allegations are denied.

13.

In response to paragraph 23, Duarte denies the allegation that he fired a flashbang grenade directly at Plaintiff. Duarte is without sufficient knowledge or information to form a belief in the truth of the remaining allegations and therefor denies them.

14.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraphs 24 and 25, and therefor denies them.

15.

Duarte denies the allegations of paragraphs 26 and 27.

16.

Duarte responds to paragraph 28 as set forth above.

17.

Duarte admits paragraph 29.

18.

Duarte denies paragraphs 30, 31, 32 and 33.

19.

Duarte responds to paragraph 34 as set forth above.

20.

Duarte admits paragraph 35.

21.

Duarte denies paragraphs 36, 37, 38, 39, 40, 41, 42, 43 and 44.

22.

Paragraphs 45, 46 and 47 do not call for a response from Duarte.

23.

Duarte responds to paragraph 48 as set forth above.

24.

Duarte admits paragraph 49.

25.

Duarte is without sufficient knowledge or information to form a belief in the truth of the allegations of paragraph 50, and therefor denies them.

26.

Duarte denies paragraphs 51, 52 and 53.

27.

Duarte responds to paragraph 54 as set forth above.

28.

Duarte denies paragraphs 55, 56 and 57.

29.

Duarte responds to paragraph 58 as set forth above.

30.

Duarte denies paragraphs 59 and 60.

31.

Duarte responds to paragraph 61 as set forth above.

32.

Duarte denies paragraphs 62, 63 and 64.

33.

Duarte responds to paragraph 65 as set forth above.

34.

Duarte denies paragraphs 66, 67, 68, 69, 70, 71, 72 and 73.

35.

Except as otherwise admitted or alleged herein, Duarte denies each and every allegation of Plaintiff's First Amended Complaint.

**FIRST AFFIRMATIVE DEFENSE
(QUALIFIED IMMUNITY)**

36.

Duarte is entitled to qualified immunity for all actions at issue in this lawsuit.

* * *

WHEREFORE, Defendant Mark Duarte prays that his answer be deemed good and sufficient and that Plaintiff's claims against him be dismissed.

DATED this 10th day of July, 2023.

HUTCHINSON COX

By: s/Andrea D. Coit
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CERTIFICATE OF SERVICE

I certify that on July 10, 2023, I served or caused to be served a true and complete copy of the foregoing **DEFENDANT MARK DUARTE'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** on the party or parties listed below as follows:

- Via CM / ECF Filing
- Via First Class Mail, Postage Prepaid
- Via Email
- Via Facsimile

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